

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:03CR3090
	)	
v.	)	
	)	
LUIS ALBERTO ERENAS-LUNA,	)	ORDER
a/k/a MIGUEL ANGEL ONTIVEROS-	)	
MURILLO,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the Court on defendant's motion to dismiss criminal case (Filing No. 16), defendant's amended motion to dismiss criminal case (Filing No. 29), the report and recommendation of the magistrate judge (Filing No. 48), defendant's objection to the report and recommendation (Filing No. 49), and the government's brief in opposition to defendant's objection (Filing No. 52). The Court has reviewed the motions and finds the amended motion supersedes the original motion to dismiss.

Having reviewed the amended motion, the well-reasoned report and recommendation of the magistrate judge, the defendant's objection to said report and recommendation, and the government's response to defendant's objections, the Court finds report and recommendation should be approved and adopted. The amended motion will be denied. Accordingly,

IT IS ORDERED:

1) The report and recommendation of the magistrate judge is approved and adopted;

2) The original motion to dismiss criminal case is denied as moot;

3) The amended motion to dismiss criminal case is denied;

4) Defendant's objection to the report and recommendation is overruled.

5) Trial of this matter is scheduled for:

**Monday, August 27, 2007, at 9 a.m.**

in Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. This schedule gives the parties additional time to prepare for trial. The ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between July 19, 2007, and August 27, 2007, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 19th day of July, 2007.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court